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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Serial No.: 10/757,164

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Applicant: Gottfurcht, Elliot A.

:

Confirmation No:

Filing Date:

:

Examiner: Corbett B. Coburn

Attorney Docket: 004346.P001X4

:

Group Art Unit: 3714

SUBMISSION OF FORMAL DRAWINGS

Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231

Dear Sir:

(44 Sheets)

Please find attached herewith, formal bristol board drawings which are to be entered in the above application for those corresponding sheets presently on file. Changes, as required, are incorporated in these new drawings.

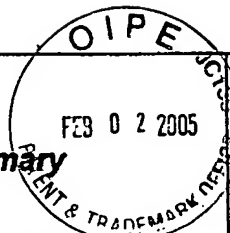
Respectfully submitted,

Jonathan Miller

Blakely, Sokoloff, Taylor & Zafman
12400 Wilshire Blvd., 7th Floor
Los Angeles, CA 90025-1030

Date: _____

Office Action Summary



Application No.

10/757,164 ✓

Applicant(s)

GOTTFURCHT, ELLIOT A.

Examiner

Corbett B. Coburn

Art Unit

3714

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-848) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>23/8/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Applicant's Formal Drawings have been received, but have not been scanned into the file. Therefore, Examiner cannot approve the drawing changes. Examiner suggests Applicant submit copies of the formal drawings on paper instead of Bristol board so that the drawings can be scanned into the file.

Claim Interpretation

2. As pointed out in the previous office action, Applicant's claims are extremely broad. Examiner informed Applicant that some of the claims are so broad that they border on the indefinite. In the interest of prosecution, Examiner did not reject these claims under 35 USC §112. Instead, Examiner interpreted the claims to the best of his ability while, at the same time, urging Applicant to narrow the claims to more closely reflect Applicant's invention.

3. Examiner then pointed to claim 10 as a particularly egregious example of a claim that could have been rejected under 35 USC §112. In spite of Examiner's clear warning, Applicant declined to amend the claims and argued that if the claim was unclear it should have been rejected under 35 USC §112. Examiner has no choice but to make such a rejection. Since Applicant was put on notice that the claim was defective and could have been rejected under 35 USC §112, Examiner will make this rejection final.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.